



Town of Groton, Connecticut

Meeting Minutes

Town Council Committee of the Whole

45 Fort Hill Road
Groton, CT 06340-4394
Town Clerk (860)441-6640
Town Manager
(860)441-6630

Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Natalie Burfoot Billing, Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Paulann H. Sheets, Thomas J. Skrmetti, and Elissa T. Wright.

Tuesday, September 14, 2004

7:00 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

1. CALL TO ORDER

Mayor Watson called tonight's meeting to order at 7:08 p.m.

2. ROLL CALL

Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor Sheets, Councilor Skrmetti and Councilor Wright
Members Absent: Councilor O'Beirne, Jr.

Also present were Town Manager Oefinger, Assistant to the Town Manager Vincent and Administrative Secretary Wells.

3. Calendar and Communications

Councilor Billing reported that in today's paper there was an article about the Preston School Board considering partaking in a State program for a pre-school initiative. She wanted the Town Manager to check with Dr. Mitchell as to whether our Town is participating in this program.

Councilor Billing also asked the Town Manager to get her information concerning what raises were given to the two unions that the School Board negotiated with for the non-union central office administrators.

Councilor Kolnaski stated that the Town Council/Board of Ed Liaison Committee would be meeting next Tuesday, September 21, 2004.

Mayor Watson reported that Mystic's 350th Anniversary parade would be held on Sunday, September 19th at 2:00 p.m. He asked that any Councilors who would be interested in walking with him let him know.

4. Approval of Minutes

2004-0273 Approval of Minutes (Committee of the Whole)

RESOLUTION ACCEPTING COMMITTEE OF THE WHOLE MINUTES

RESOLVED, that the minutes of the Town Council Committee of the Whole of August 24, 2004 are hereby accepted and approved.

A motion was made by Councilor Kolnaski, seconded by Councilor Bartinik, Jr., to adopt.

The motion carried unanimously.

5. UNFINISHED BUSINESS

none

6. NEW BUSINESS

2004-0205 Route 1 (New London Road) Sidewalk Issue

Discussed

Consideration of this item was tabled to the end of the meeting.

2003-0228

Navy Housing Privatization

Discussed

Town Manager Oefinger gave an update concerning the most recent discussions with GMH, the Navy, and ICMA. He reported that he talked to a representative from GMH today and that they had wanted to get tax information to the Town Assessor, but was advised today that the Navy cannot share this information right now and that the information was proprietary. ICMA was approached to do a consultation with a number of communities and two of the member communities had discussions with the Navy and GMH. They indicated that they were in the process of preparing a draft agreement concerning what costs would be imposed on the developer. Town Manager Oefinger reported that the Town provides services to Navy personnel that live in Navy Housing and that it is not what other communities do. He continued that many other communities provide fire protection and that we did not. Town Manager Oefinger concluded that as soon as he gets this draft agreement, he would be sharing this information with the Town Council. He added that he still is not in favor of providing a letter and that he is not going to be taxing the Navy. Town Manager Oefinger reported that there would be another conference call this Friday.

2003-0229

Fort Hill Homes NRZ Property Maintenance Code

Discussed

Town Manager Oefinger reported that information on this item was included in the Agenda packet. He reported that the draft resolution is part of the package as legislative history. He reported that Councilor O'Beirne put the motion on the table to draft a resolution and that was what we were going to do tonight.

A motion was made by Councilor Kolnaski, seconded by Councilor Billing, to recommend for a resolution.

Councilor Kolnaski reported that she went on a tour with Parks and Recreation and commented how the playgrounds are well taken care of in the Fort Hill Homes Neighborhood. Councilor Billing stated that she wants to support their efforts and believes it will benefit the area. She thought that we should adopt it and have experience with it and then we would find out if there were any problems with the code. She stated that her support for this resolution was not without concern and reservation. Councilor Billing asked the Town Manager if there was a way to put something in the resolution that this would be revisited in some period of time. Town Manager Oefinger said that former Councilor Wirzbicki had spoken about what would be a reasonable time frame. Town Manager Oefinger stated that he felt a time frame might work against us. He suggested including a two or three year sunset provision or reviewing the code in two or three years. Mayor Watson suggested that they could change periodically to annually. Councilor Billing requested that the Town Manager report back to the Council regarding putting a time frame on this resolution. Councilor Kolnaski stated that she does not feel it should be part of the resolution.

Councilor Bond reported that she called some of the people who signed the petition. She reported that the people she spoke to were opposed to this ordinance. She realizes that this area has come a long way. She counted five homes that would be questionable. Councilor Bond stated that she finds it hard to impose this on one area of town and not others. She stated that there were 60 people against this code and that they said that they would sue the Town, and paint their houses pink. Councilor Bond also reported that there have been problems getting quorums at the NRZ meetings, and that they are planning to come to next week's Town Council meeting to speak against the resolution.

Councilor Sheets reported that we addressed this many months ago. She had read the code, read the statutes and the ordinance and made the statement at that time that she had a problem with the authority of municipal governments to apply the code to one section of town. Councilor Sheets continued that the Town can only do what the General Statutes authorize. Section 3 of the ordinance invokes General Statutes Section 7-148(b)(7)(H)(xv). That is the premise for departing from the general rule that towns can't pass an ordinance for just one part of town. That provision states you can declare a blighted area, but you must define blight, and then you are authorized to provide tax abatement for

that property in that zone. The code which the ordinance would adopt does not define blight. Our Town Attorney has said we really do not have to define blight, but she does not agree. The ordinance uses the language of blight and makes legislative findings of fact about the many substandard and deteriorated and blighted houses in the neighborhood. Usually you have a hearing with a record establishing the basis for legislative findings. She has only seen a photo of a car with bags of garbage in it. Councilor Sheets also reported that she drove through the neighborhood for over two hours and did not see a basis for the code and it is premature. Councilor Sheets said the package she picked up on this from Town Hall contained comments by the State Department of Public Health and Department of Environmental Protection about strategic plan claims of unhealthy conditions and trash and waste in the neighborhood. DEP said General Statutes Section 22a-220 imposes the obligation on all towns to dispose of all waste and Public Health said there is a public health code and health district to deal with the unhealthy conditions mentioned in the strategic plan. She asked if the problems result from the Town's cancelling curbside pick up of abandoned furniture and appliances, trash pick up and why an unhealthy condition isn't being addressed by the district health officials. Councilor Sheets said the statute authorizing the neighborhood program, which allows condemnation and taking of property by eminent domain also states that the towns that proceed this way take an inventory of abandoned property. She stated that there is no such inventory and without an inventory we do not have a basis for condemnation of abandoned housing or to authorize tax abatements for investment in renovated housing, which might be a good idea. Councilor Sheets said half of the housing of the neighborhood is rental and already comes under the Town's rental housing code which is more user friendly and could be extended to owner occupied housing.

Councilor Kolnaski stated that the lack of definition of blight should not keep the Council from voting on this code. People from the neighborhood are looking for the Town Councils' help and she thinks the Town should give this code a chance. Councilor Skrmetti reported that he has supported this code for a long time. The residents have made tremendous efforts and progress in this area. He thinks this code is what the people need to help them accomplish their goals. Councilor Skrmetti stated that it bothers him that Groton does not have an ordinance to help people as a whole. He would like to see an annual review of what is going on. He concluded that he thinks a nuisance ordinance is long overdue in Groton.

Councilor Wright stated that she wanted to clarify what the Council would be doing if the Council votes in the affirmative. The ordinance would be subject to referral to the RTM. Although it is presented in the form of a resolution, what the Council would be doing would be enacting an ordinance. Assistant to the Town Manager Vincent reported that yes, it would go to the RTM where they have the opportunity to veto the code which does not become effective until the RTM has had their 45-days to consider it. Councilor Wright feels that the issues cited by members of the neighborhood and committee can be addressed in a much less onerous, less oppressive exercise of police empowerment than what is proposed with penalties up to \$90 per day. Councilor Wright would like to know the specific properties where this is an issue whether they are in fact rental or owner occupied and if rental occupied, to what extent the renter housing code has been invoked to accomplish these purposes. She does not find a factual basis for a finding of blight and she does not support this ordinance.

The motion carried by the following vote:

Votes: In Favor: 5 - Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Kolnaski and Councilor Skrmetti
Opposed: 3 - Councilor Bond, Councilor Sheets and Councilor Wright

2001-0197

Wastewater Plant Expansion Status

Discussed

Town Manager Oefinger stated that as reported last week the Town received a memo from Marc Ryan to Jane Stahl signing off on the EIE for the Wastewater Treatment Plant expansion project and clarification from DEP concerning the additional \$2 million grant that was received during the last legislative session. Carl Almquist, Project Manager, was present to answer any questions concerning the Wastewater Plant expansion status, along with Director of Public Works Gary Schneider. Mr. Almquist reported that the design stage would take 8 or 9 months, followed by the bidding process. The bids will be held until the bonding commission approves this project and it will probably be next summer before construction begins. He reported that the additional \$2 million will allow the Town to accomplish a majority of the project envisioned in 1996.

Councilor Wright asked if the sewer authority was considering an alternate technology for the denitrification part, and Mr. Almquist stated yes. Mr. Schneider reported that in order to spend the grant money from the State, the RTM and Council must approve the grant. Mayor Watson congratulated Mr. Almquist on the superb job he did in Hartford. Councilor Billing asked how confident were we that bids will come in within the amount of money authorized, and Mr. Almquist answered that he feels the additional \$2 million will cover contingency and any inflationary problems in the construction field.

2004-0261

Land/Easement Acquisitions - Pleasant Valley Road South Reconstruction**Recommended for a Resolution**

Director Gary Schneider reported that the Town went to referendum several years ago for reconstruction of Pleasant Valley Road South. \$3.8 million was bonded and included money to purchase land and drainage easements. The Town has identified 3 land acquisitions and 4 drainage easements. He stated that the next step is to enter into negotiations with affected property owners and if agreements can be reached equal to or less than the appraised value, to authorize the Town Manager to purchase the easements and land. He explained that if negotiations lead to a higher purchase price staff would return to the Town Council for authorization. Mayor Harry Watson stated that the price of the road is going to be less than anticipated. Mr. Schneider said the likely cost is \$2.3 million. Councilor Billing asked if the total cost of this resolution, which is about \$45,000 is included in the bond costs and Mr. Schneider said yes.

A motion was made by Councilor Skrmetti, seconded by Councilor Bond, to recommend Alternative 1 for a resolution.

The motion carried by the following vote:

Votes: In Favor: 8 - Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor Sheets, Councilor Skrmetti and Councilor Wright

2004-0272

Steamboat Wharf Dredging**Recommended for a Resolution**

Director of Public Works Gary Schneider explained the request for a supplemental appropriation of \$21,000 for disposal costs associated with dredging the Mystic River next to Steamboat Wharf. Mr. Schneider stated that the material was tested and a disposal site identified. Councilor Wright stated that siltation is caused by runoff from the Town and the State roads and she wanted to know to what extent is the State participating in this dredging. Director Schneider explained that the State made an in-kind contribution to the first permit to dredge the area, and the State applied for a permit from DEP. The Town up-fronted the engineering cost of the permit application, which was close to \$10,000. The State also trucked material to Welles Road and paid for the dredging. Councilor Wright wanted to know if there was any way the State could help out with transporting material to New Hampshire. Councilor Billing stated that her understanding is that we really don't have a choice, if we let the silt pile up in the river it could eventually threaten using the river for the boats as well as damage the marine life there, and it would be a foolhardy decision for us not to do this. Unfortunately it is going to cost \$100,000 every five years and the price will go up over time. Natalie asked why the responsibilities were not shared with Stonington. Town Manager Oefinger answered that this is not silt that is in the middle of the river, it is in the lagoon area and it services the Groton side of Mystic. We are not dredging the Stonington side of the river. He said we would find a way to stop or slow down siltation, but we are not at that point. The permit allows us to do this twice a year.

A motion was made by Councilor Billing, seconded by Councilor Kolnaski, to recommend Alternative 1 for resolution.

Councilor Bartinik suggested waiting in the hope of finding a closer disposal facility. The Town Manager told him that we would not be able to remove the silt ourselves at that point and have to hire

somebody with a dredging machine. He noted that sometime within five years there would be some sort of drainage improvement to catch the silt. Councilor Sheets spoke of Mumford Cove, that they did very extensive dredging of the cove and got permission to replenish the beach. She asked if we could replenish Esker Beach. Director Schneider answered no. This type of material is stuff for covering. In the future, the Town will sweep in the middle of winter to catch the material before it gets into the basin.

The motion carried unanimously.

2003-0109

Poquonnock Bridge Fire District - Consolidation Resolution

Discussed

Town Manager Oefinger reported that the reason for having this item on the agenda was to schedule a meeting of the Consolidation Review Committee. Councilor Bartinik reported that people told him that the union was not going to be part of the discussion and that the union wants to be included. Town Manager Oefinger stated that these are open meetings. Councilors on the panel are Councilors Billing, Bond, and Bartinik. A meeting was tentatively scheduled for Thursday, September 23rd at 7:00 P.M. Town Manager Oefinger stated that we would get an organizational meeting agenda out.

2004-0198

Joint Meeting with City Council

Discussed

Town Manager Oefinger passed out meeting minutes from the September 7th Joint Meeting of the Town Council Committee-of-the-Whole and City Council.

Discussion followed on the referral. Councilor Skrmetti felt strongly about sending a formal letter to the City. He wanted them to know that they were of utmost importance to the Town of Groton and that we strongly opposed the secession in any form. Councilor Bond stated that if we are doing a secession study, asked if we were going to do a consolidation study. Councilor Skrmetti stated that we should do a balanced secession study as well as a consolidation study to look at shared services. Councilor Sheets stated that she had no appreciation before the meeting that the Towns talk of consolidation may have been interpreted as eliminating the City of Groton. Councilor Skrmetti thought it had been misinterpreted and noted that consolidation had never been portrayed that way from the Town's side. Mayor Watson said that it had been hard to set up the joint meeting, but he personally would like to meet once a month with the City.

Councilor Billing stated that she would like to resolve things rather than inflaming things. She does not think it is the time to do a consolidation study, she does not think the words would ever be heard that way by the City right now, even though we know what we mean by the words. The City made it very clear that they believe their constituents want the additional services they provide. Councilor Kolnaski stated that she agreed with Councilor Billing and does not think we need a letter. Councilor Kolnaski stated that we are adults and we can sit-down and talk things out and she would prefer another meeting.

Councilor Wright feels that this secession study should be allowed to run its course. Councilor Wright stated that she wanted some clarification from our Town Attorney or from Mr. See. Councilor Skrmetti stated that we need to clarify that the City is important to us, that we do not agree that secession is heading in the right direction. It is just stating our position by writing a letter.

Councilor Bartinik thought that if this continues and becomes a big expense item and engages the City attorney, the political fall out will be on the Mayor of the City. He expressed concern that this secession is so timed that it would expose the Town to major costs during the school projects and affect our interest rate. Councilor Bartinik feels they have the right to go through the process, but he does not want the Town to expend money for research or anything else in this matter

Town Manager Oefinger stated that our interest rate is based on the bond rate. He noted that other changes in circumstances such as closure of the SUBASE or a major lawsuit at Pfizer could affect our bond rate. He did not ask Ted See how the bond rate would be affected by secession because there is no way to predict that. Councilor Billing stated that there was not going to be any change in the capacity to pay both the bonds. Either way everyone is responsible. Council Billing asked how this issue would affect both entities. She is reluctant to go on record to say she opposes secession. Her preference would be to keep talking. Councilor Wright stated she is glad to read that the tax base would not be removed per se. Councilor Sheets does not think that the issue would be resolved and that 37% is a huge chunk of the tax base to lose. She suggested that a letter saying that the Councilors need to communicate with the City and state the Town's concerns. The consensus of the Committee was to not send a letter at this time. Councilor Skrmetti stated that we really don't know what the impact is, and he asked the Town Manager to do a fast calculation of how it would affect the Town from the standpoint of Department Heads and Board of Education.

2004-0199

City Planning Services**Discussed**

Town Manager Oefinger reported that he tried at the joint Town and City meeting to discuss a revised agreement, but it was clear that the Mayor of the City was not planning to respond. The City Council has made a request for \$80,000 to hire a planner. Town Manager Oefinger stated that he is concerned about sending our Planner to the City. The contract has not been renegotiated. Our agreement right now is to provide 20 hours of planning services per week and the original agreement included providing staff to the Planning Commission. Town Manager Oefinger stated that he believes that having an integrated planning function is very good and he can not justify spending \$80,000 for the tandem service. Town Manager Oefinger said that he would rather put his efforts into fixing the problem. Councilor Kolnaski stated that Mark should keep meeting with the Mayor of the City. Councilor Bond stated that she would support increasing the hours, but not handing the City over a check for \$80,000 to hire its own planner. Councilor Wright stated that the City has its own Planning and Zoning Commission and if they don't want to participate under the theory that it is beneficial to the Town she does not believe the Town should pay for it. She understands the theory under the present arrangement. If that arrangement is not satisfactory to the City, she sees no rationale for the Town and taxpayers to pay for that.

Councilor Bartinik reported that an organization seeks to gain as much money as they can for their organization. He suggested that the Town sits down with the City and meets on the issue to work something out. Councilor Skrmetti stated that he would agree to providing support to the City, but not paying the City \$80,000. He is concerned about the working environment for the employee and he does not want to put the City Planner in jeopardy.

Councilor Billing stated that she is not prepared to act on this tonight. She feels that if the City needs more planning services, the Town should provide it. She suggested that it is not a financial issue, it is an issue of control and supervision of this person.

Town Manager Oefinger stated that there is a contractual arrangement with the City. The planner's work program is governed by statutory requirements and a Town Planner has provided services to the City for many years, including economic development and or community development issues. He does not see this as a control issue. He agreed that talking more may be valuable, but he wanted the Council to respond in some fashion.

Mayor Watson asked Town Manager Oefinger to contact the Mayor of the City and let him know that the Council is considering the issue. Discussion followed on contacting the Mayor and/or meeting with him and the City Council. Town Manager Oefinger explained that the City Council and the Mayor were looking to have a check ASAP not a couple months down the line. Councilor

Billing asked the Town Manager to ask Mayor Popp if it is acceptable to consider inclusion of this item in next year's budget.

2004-0205 Route 1 (New London Road) Sidewalk Issue

ROUTE 1 (NEW LONDON ROAD) SIDEWALK ISSUE

A motion was made by Councilor Billing, seconded by Councilor Bond, to enter Executive Session at 9:10 p.m. to discuss 2004-0205 Route 1 (New London Road) Sidewalk Issue, and to invite Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent to attend.

The motion carried unanimously.

Executive Session ended at 9:40 p.m.

2004-0207 Town Manager Annual Evaluation

A motion was made by Councilor Kolnaski, seconded by Councilor Bartinik, Jr., to enter Executive Session at 9:42 p.m. to discuss 2004-0207 Town Manager Annual Evaluation and to invite Town Manager Mark Oefinger to attend.

The motion carried unanimously.

Executive Session ended at 10:45 p.m.

7. Consideration of Committee Referral Items as per Town Council Referral List

none.

8. OTHER BUSINESS

none.

9. ADJOURNMENT

The meeting adjourned at 10:45 p.m.